

RECEIVED
CENTRAL FAX CENTER

MAR 29 2004

OFFICIAL

TESTA, HURWITZ & THIBEAULT, LLP

ATTORNEYS AT LAW

HIGH STREET TOWER
125 HIGH STREET

BOSTON, MASSACHUSETTS 02110

OFFICE (617) 248-7000

FAX (617) 248-7100

TELECOPY COVER SHEET

Equipment Operator Contact Number: (617) 310-8302. Please call if you do not receive all the pages.

Date: March 29, 2004

TO: **Name:** Examiner Anthony D. Stashick (Art Unit: 3728)
Company: USPTO, Customer Service 3700
Address: Washington, D.C. 20231
Telephone: (703) 308-3876
Fax: (703) 872-9306

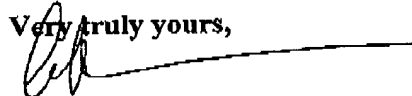
FROM: **Sender:** Andrew L. Jagenow, Esq.
Telephone: (617) 310-8671
Fax: (617) 790-0057

Number of Pages INCLUDING This Cover Sheet: 4

RE: U.S.S.N. 09/915,216 – Our Docket No. ADI-074 (257/40)

Comments: I attach proposed amendments to claims for our discussion tomorrow, March 30, 2004.

Very truly yours,



Andrew L. Jagenow, Esq.

This facsimile is subject to attorney-client privilege and contains confidential information intended only for the person(s) named above. If you have received this facsimile in error, please notify us immediately by telephone and destroy the original transmission without making a copy.

Sent by _____ Date Sent _____ Time Sent _____

3045312

U.S.S.N. 09/915,216
Attorney Docket No. ADI-074
For 30 March 2004 Interview

RECEIVED
CENTRAL FAX CENTER
MAR 29 2004

INFORMAL COMMUNICATION – FOR DISCUSSION PURPOSES ONLY
NOT FOR ENTRY INTO THE RECORD

OFFICIAL

Amendments to the Claims

1. (Currently amended) A sole for an article of footwear, the sole comprising:
an insole layer defining a plurality of first openings, ~~wherein a substantial portion of the plurality of first openings are interconnected;~~
a support layer defining a plurality of second openings that partially overlap the plurality of first openings; and
an outsole layer having a ground engaging surface defining at least one third opening extending therethrough that at least partly overlaps the plurality of second openings, such that there exists constant fluidic communication between at least one of the first openings and the at least one third opening.
2. (Original) The sole according to claim 1, wherein the plurality of first openings are distributed over substantially the entire insole layer.
3. (Original) The sole according to claim 1, wherein the plurality of first openings are generally circularly shaped.
4. (Original) The sole according to claim 2, wherein a first portion of the plurality of first openings are disposed in at least one of a ball region and a heel region of the sole, a second portion of the plurality of first openings are disposed in other regions of the sole, and the openings of the first portion are smaller than the openings of the second portion.
5. (Original) The sole according to claim 4, wherein the openings of the first portion are less than about 3 mm in diameter and the openings of the second portion are greater than about 4 mm in diameter.
6. (Original) The sole according to claim 1, wherein the insole layer further defines a channel for interconnecting a portion of the plurality of first openings.
7. (Original) The sole according to claim 6, wherein the channel is disposed on a bottom side of the insole layer.
8. (Original) The sole according to claim 1, wherein the support layer comprises a substantially compression resistant semi-rigid chassis.

U.S.S.N. 09/915,216
Attorney Docket No. ADI-074
For 30 March 2004 Interview

9. (Original) The sole according to claim 1, wherein the support layer controls deformation properties of the sole.
10. (Original) The sole according to claim 1, wherein the support layer extends along at least one of a heel region and a ball region of the sole.
11. (Original) The sole according to claim 1, wherein the plurality of second openings are disposed in at least one of a toe region, an arch region, and an upwardly extending portion of the sole.
12. (Original) The sole according to claim 11, wherein the plurality of second openings form a grill pattern.
13. (Original) The sole according to claim 1, wherein the support layer further comprises a support element disposed in an arch region of the sole and the support element interconnects a forefoot part and a rearfoot part of the sole.
14. (Original) The sole according to claim 13, wherein at least one of the support layer and the support element sideways encompasses a wearer's foot in at least one of the arch region and a heel region of the sole.
15. (Original) The sole according to claim 1, wherein the outsole layer further comprises a plurality of sole elements.
16. (Original) The sole according to claim 15, wherein the plurality of sole elements includes a forefoot element and a rearfoot element.
17. (Original) The sole according to claim 1, wherein the outsole layer extends along at least one of a heel region and a ball region of the sole.
18. (Original) The sole according to claim 1, wherein the at least one third opening is disposed in at least one of a toe region and an arch region of the sole.
19. (Original) The sole according to claim 1, wherein the outsole layer sideways encompasses a wearer's foot in at least one of a heel region and a forefoot region of the sole.
20. (Original) The sole according to claim 1, wherein the outsole layer comprises a cushioning layer and a tread layer.
21. (Original) The sole according to claim 1, wherein a membrane is disposed between the support layer and the insole layer.

U.S.S.N. 09/915,216
Attorney Docket No. ADI-074
For 30 March 2004 Interview

22. (Currently amended) An article of footwear comprising:
an upper; and
a sole, the sole comprising:
an insole layer defining a plurality of first openings, ~~wherein a substantial portion of the plurality of first openings are interconnected;~~
a support layer defining a plurality of second openings that partially overlap the plurality of first openings; and
an outsole layer having a ground engaging surface defining at least one third opening extending therethrough that at least partly overlaps the plurality of second openings, such that there exists constant fluidic communication between at least one of the first openings and the at least one third opening.
23. (Original) The article of footwear according to claim 22, further comprising a flexible net-like element disposed in the upper.
24. (Original) The article of footwear according to claim 23, wherein the flexible net-like element is disposed in the heel region of the upper.
25. (Original) The article of footwear of claim 22, further comprising a climate control sock.
26. (Original) The article of footwear of claim 25, wherein the climate control sock comprises a two layer mesh construction.
27. (Original) The article of footwear of claim 22, wherein the upper comprises a reinforced mesh material.

3045296_1